In the matter of)
)
Deputy Brian Bishop, Employee No. [redacted])
)
and)
)
the Los Angeles County Sheriff's Department)

SETTLEMENT AGREEMENT

ARB No. 116-05

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Sheriff Brian Bishop, Employee No. [redacted] (hereinafter referred to as "Deputy Bishop").

RECITALS

The Department and Deputy Bishop are interested parties in the investigation under Internal Affairs Bureau Investigation No. 2093007. Both desire to resolve all disputes arising as the result of that investigation, to avoid litigation and further administrative process upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Deputy Bishop, for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of the Agreement, the Department will rescind the two (2) day suspension that was imposed pursuant to the Letter of Imposition dated June 6, 2005.

2. Upon execution of this Agreement, the Department will deem Internal Affairs Bureau Investigation No. 2093007 as "Unresolved."

3. Deputy Bishop will be reimbursed his two (2) day suspension, which was deemed served on June 8, 2005 through June 9, 2005, as soon as possible.

4. Deputy Bishop agrees to waive all rights in Internal Affairs Bureau Investigation No. 2093007 pursuant to *Skelly v. State Personnel Board (1975) 15 Cal.3d 194.*

5. Deputy Bishop, upon execution of this Agreement, shall waive any and all future administrative and/or judicial remedies involving or pertaining to this matter. This waiver shall include, but not limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

6. Upon execution of this agreement, Deputy Bishop and his counsel of record promise, warrant and represent that the terms and provisions of this Agreement were made in strict confidence and must remain confidential, except insofar as may be necessary to enforce the Agreement, and Deputy Bishop and his counsel of record shall not

disclose or offer to disclose, and have not disclosed privately or publicly, any of the terms or provisions of this Agreement or the negotiations leading to this Agreement, including but not limited to any member of the print, electronic or other media, with the exceptions of disclosures required by law and/or attorney/client privileges. This confidentiality provision is necessitated because the underlying event, upon which Deputy Bishop's discipline was based, resulted in civil litigation against the Department, and there may be additional claimants against the Department who are presently unknown. This confidentially provision is meant to prohibit any party to this Agreement from disclosing the specific facts relating to the settlement to this matter because of its potential impact on any possible future civil litigation against either the County, Department or Deputy Bishop, with the exceptions of disclosures required by law and/or to enforce any obligations hereunder, and/or attorney/client privileges. The parties understand that this confidentiality provision is a material term of this Agreement; and failure to perform pursuant to these terms will result in the nullification of this Agreement.

7. The parties further agree that this Agreement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice. This Agreement resolves the dispute between Deputy Bishop and the Department, and is not to be applied to any other facts or disputes.

8. In consideration of the terms and conditions set forth herein, Deputy Bishop agrees to fully release, acquit and forever discharge the County and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Bishop concerning the subject matter herein.

9. Each party hereto represents and agrees that they have carefully read and fully understands all of the provisions of this Agreement, and that each party voluntarily, without any duress or undue influence on the part of or on behalf of any party, enter into this Agreement.

10. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of this Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

Settlement Agreement
Brian Bishop, #[redacted]

12. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

Deputy Brian Bishop, #[redacted] — Date: 06/20/07

As to Form Only:

Mitchell Kander, Attorney
Green & Shinee — Date: 6/20/07

For the Department:

Chief Thomas Angel
Field Operations Region III — Date: 6/25/07

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SH#2087436
IV #2093007

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: June 25, 2004	Bureau/Station/Facility: Norwalk Sheriff's Station	Admin. Invest.? ☒	Hit? ☒

Incident Information

URN: 003-08105-0495-013	Date: 05-08-03 Time: 0105
City or Station: Unincorporated Whittier	Nature of Incident: Unit 48B attempts traffic stop on vehicle with license plate indicating female wanted for felony warrants. Driver fails to stop and attempts to flee; short vehicle pursuit, suspect vehicle collides with curb disabling car. Male driver suspect flees on foot with 48B driver deputy in foot pursuit across three residential front front yards where he comes in close contact with suspect, orders him to freeze, but suspect moves suddenly at deputy's weapon, and deputy shoots suspect once in the abdomen, killing him.
Location: [redacted] Breckenridge Drive	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **(Residence)** *(circled)*, Rural, School, Street, Other: ______

Lighting (*circle only one*): **(Darkness)** *(circled)*, Daylight, Other, Street Lights

Weather (*circle only one*): **(Clear)** *(circled)*, Cloudy, Fog, Rain

Distance: approx. 5 ft.

Incident Type (*circle one or more*): Accidental, Armed Person, **(Fleeing Suspect)** *(circled)*, **(Foot Pursuit)** *(circled)*, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **(Struggle Involved)** *(circled)*, Traffic Stop, **(Unarmed Person)** *(circled)*, Unintentional, **(Vehicle Pursuit)** *(circled)*, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **(Two Person Unit)** *(circled)*

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** *(circled)*

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
one	None	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Parsons	William	T.	**(EM)** PM Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Wilson	Vienna	T.	**(On Duty)** *(circled)*, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Lucero	Veronica	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Bald	Casey	J.

PSTD Use Only

SH # 2087436

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05-08-03	0250	June 28, 2004	

Employee #	Last Name	First Name	M.I
[redacted]	Stunson	David	J.
[redacted]	Cleary	John	T.
[redacted]	Lee	Stacy	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

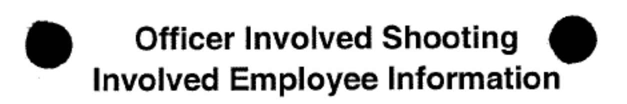
(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FH	BR	9	Y	Y	DH	AD
S-1	E-1	UC					NN	



Officer Involved Shooting
Involved Employee Information

URN: 003-08105-0495-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Bishop	First Name: Brian	M.I.: C.
Sex: M Race: W	Rank: B-1 FTO deputy	Unit Assignment: Norwalk	Work Assignment (Unit #, Module, etc.): 48B
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: none
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 6-0	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.



Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name: Dingman	First Name: Robert	M.I. J.
AKA Last Name: Dingmans	First Name: Robert	M.I.

Sex: M Race: W	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 07-20-73	Height: 6-0 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # deceased	Primary Charge: 148 (D) P.C. - Attempt to Disarm Police Ofcr.	Secondary Charge: 2800 (A) C.V.C. - Evading a Police Ofcr.	
Coroner Case? ☒	Coroner Case # 2003-03492	Intoxication/Drug Usage? ☐	Substance Used: See Narrative
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Chevrolet		Model: Beretta	Year: [redacted]

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT / SUSPECT DECEASED
IAB 2093007 / SH 2087436
003-08105-0495-013

DATE / TIME / LOCATION

Thursday, May 8, 2003
0057 hours
[redacted] Breckenridge Drive, Whittier

IAB SHOOTING / FORCE TEAM

Lieutenant Stacy Lee; Sergeant John Cleary and Sergeant David Stunson

INVOLVED PERSONNEL

BISHOP, Brian C., Deputy #[redacted] MW/[redacted] 6'00" 180 Right Handed
Field Operations Region III
Norwalk Station

Date of Employment: 07/90
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECT

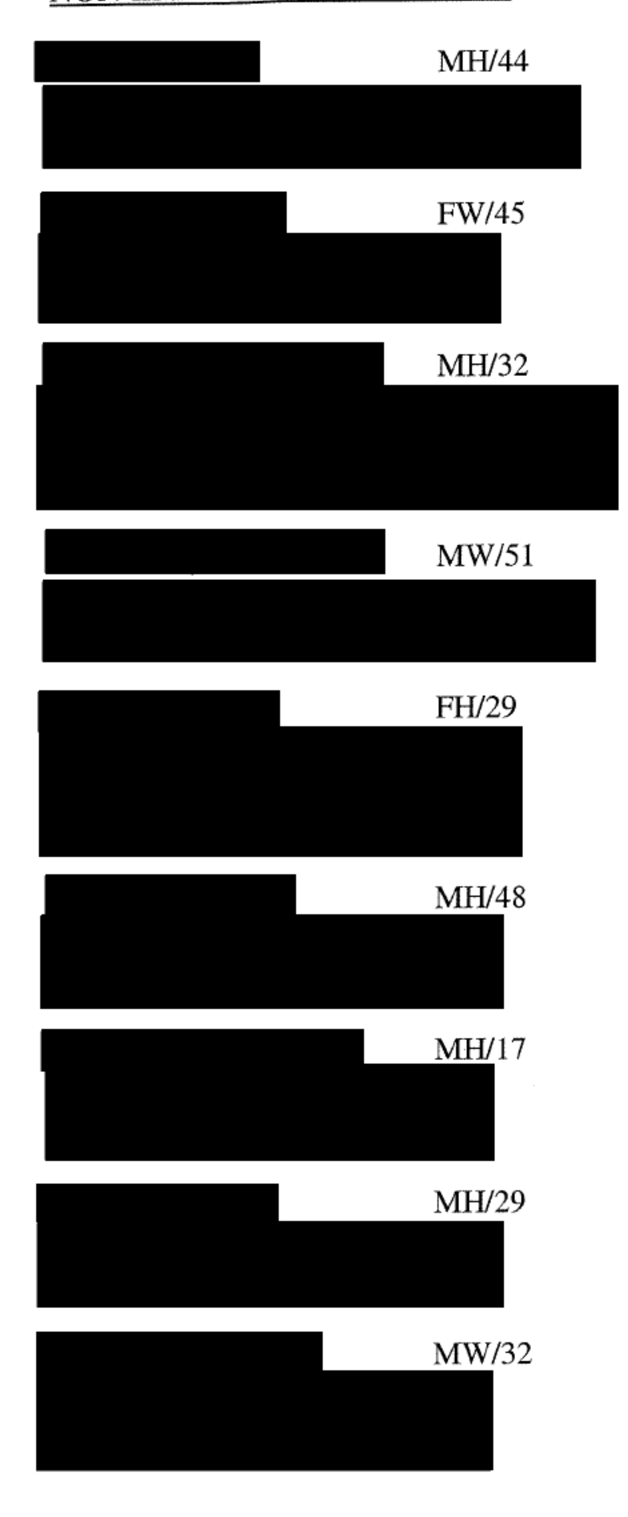
DINGMAN, Robert J. **(deceased)** MW/29 6'00" 170

Criminal History: [redacted]

EMPLOYEE WITNESS

Parsons, William MW/Adult
Deputy Sheriff, #[redacted] (Unit 48B)
Norwalk Station Patrol
(562) 863-8711)

NON-EMPLOYEE WITNESSES



[redacted] MH/44
[redacted]

[redacted] FW/45
[redacted]

[redacted] MH/32
[redacted]

[redacted] MW/51
[redacted]

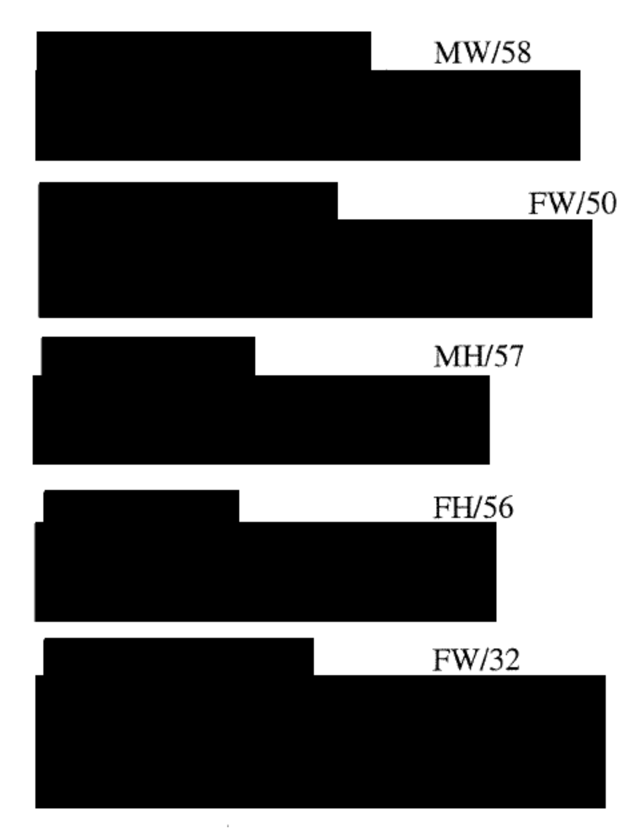
[redacted] FH/29
[redacted]

[redacted] MH/48
[redacted]

[redacted] MH/17
[redacted]

[redacted] MH/29
[redacted]

[redacted] MW/32
[redacted]



[redacted] MW/58
[redacted]

[redacted] FW/50
[redacted]

[redacted] MH/57
[redacted]

[redacted] FH/56
[redacted]

[redacted] FW/32
[redacted]

INJURIES

There were no injuries to deputy personnel or citizens.

Suspect Dingman succumbed to a single bullet wound to his left, upper back which lodged under the skin at his center chest bone.

PHYSICAL EVIDENCE

One 9mm shell casing was found on the south edge of the driveway at [redacted] Breckenridge Drive next to a white Chevrolet where the suspect attempted to climb over the car and escape Deputy Bishop. Bloody clothing was also found laying near where Suspect Dingman was handcuffed and treated by paramedics prior to his transport to the hospital. (Refer to photographs in **Exhibit E**).

INVESTIGATOR OBSERVATIONS

The location was a tract home neighborhood. The front yards were landscaped with lawns and were not fenced.

LIGHTING AND WEATHER CONDITIONS

It was a clear and dark night with illumination from some ambient residential lights.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Bishop:

Service Weapon Type:	Department Issued Beretta 92F 9mm Semi-Automatic
Rounds Fired:	1
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

WEAPON USED BY SUSPECT

None recovered.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators' Names:	Detectives Joe Romero and George Martinez, Homicide Bureau
Charges:	None - Suspect deceased

INVOLVED EMPLOYEE STATEMENTS - Homicide Interview May 8, 2003

Involved Deputy Brian Bishop was interviewed by Detectives from Homicide Bureau at Norwalk Station on the date of the shooting. He said that he and his partner Deputy William "Tom" Parsons drove by a Busby Dr., Whittier, residence known for its gang and drug activity and noticed a red Chevrolet Beretta which he did not recognize as frequenting the location and ran the license plate for wants. The check returned a "no-bail" warrant for the Chevrolet's registered owner, Lisa Sarumiam. He and his partner set up a surveillance for a time before being called away on a call. Upon their return to the area, they observed the Chevrolet, and attempted to make a traffic stop, but the driver failed to stop. The deputies went in a short pursuit before the suspect vehicle collided with curbs and was disabled near the corner of Viburnum Drive and Breckenridge Drive. Both of the suspect vehicle's occupants, driver Suspect Robert Dingman and female passenger Suspect Sarumiam, exited and attempted to flee from the vehicle. Deputy Parsons detained the female at the location of the disabled suspect vehicle. Deputy Bishop ran southbound in foot pursuit of Suspect Dingman through three residence yards until the suspect slipped while trying to scale a vehicle in the driveway of [redacted] Breckenridge Drive. The suspect was shot once while turning around toward Deputy Bishop's position in the driveway. Deputy Bishop believed the suspect was reaching to take his weapon away from him.

For additional details of specific actions by the suspect and Deputy Bishop leading up to and after the shooting, refer to the Homicide interview in the Homicide case book (**Exhibit L**) beginning on page 45.

INVOLVED EMPLOYEE / SUBJECT STATEMENTS - IAB Interview June 24, 2004

On May 23, 2003, an Executive Shooting Review was conducted. Assistant Sheriff Larry Waldie directed that an Internal Affairs Bureau administrative investigation be conducted regarding general tactics and specifically on whether or not the Department's Foot Pursuit Policy (Field Operations Directive 97-7; see **Exhibit I**) was violated in the events leading up the shooting.

Subject Deputy Brian Bishop was interviewed by Internal Affairs Sergeants David Stunson and John Cleary. He was represented by Helen Schwab of the law firm of Green and Shine. The interview was tape recorded. Deputy Bishop was asked about tactics, his reasoning for going in foot pursuit of Suspect Dingman and his knowledge of the Foot Pursuit Policy.

For details of the subject interview, refer to the transcription of Deputy Bishop's June 24, 2004, interview under "subject interview," immediately following this narrative.

NON-INVOLVED EMPLOYEE WITNESS STATEMENTS - Homicide Interview May 8, 2003

Deputy William Parsons - He was interviewed at the Norwalk Station the date of the shooting by Homicide detectives and by Sergeant Stunson of the Internal Affairs Bureau. He stated he was on training at Norwalk Station with his training officer Deputy Bishop for two weeks. He said that on the date of the shooting, he and Deputy Bishop drove by a residence on Busby Drive in Whittier, known for narcotics sales and ran a check on a license plate of a red vehicle. The check returned with a warrant for the registered owner of the vehicle. The deputies were called away to handle a family disturbance call and they left the vicinity of Busby Drive. They later saw the red vehicle and attempted to stop it on Leffingwell Road when it sped away. They went in pursuit for several blocks before the pursuit ended when the suspect vehicle's tires popped after hitting a curb-line at Breckenridge and Viburnum Drives. Both suspects exited the vehicle and attempted to run away. He grabbed hold of the female while his training officer Deputy Bishop ran after the male suspect, through two or three front yards. He said he heard Deputy Bishop yell "Stop, stop," at the suspect and later heard conversation between the suspect and Bishop in the driveway but could not tell what exactly was said. He heard a gunshot but did not actually see or know exactly what had occurred as he was controlling the female suspect. However, he said he did have a line of sight to the shooting location.

For additional details of Deputy Parsons' Homicide interview, refer to the Homicide case book (**Exhibit L**) beginning on page 40.

NON-EMPLOYEE WITNESS STATEMENTS

Witness [redacted] - Mr. [redacted] was interviewed at his residence on the morning of the shooting at approximately 0750 hours. He said that at about 0100 hours, he heard what sounded "like a vehicle dragging something underneath." He then heard someone yelling and then heard a gunshot. He heard a deputy saying to a female, "Don't move. Stay in the car." A few minutes later, he saw

three deputies running back and forth between the driveway at [redacted] Breckenridge and a red vehicle. He later saw an ambulance arrive and someone performing CPR.

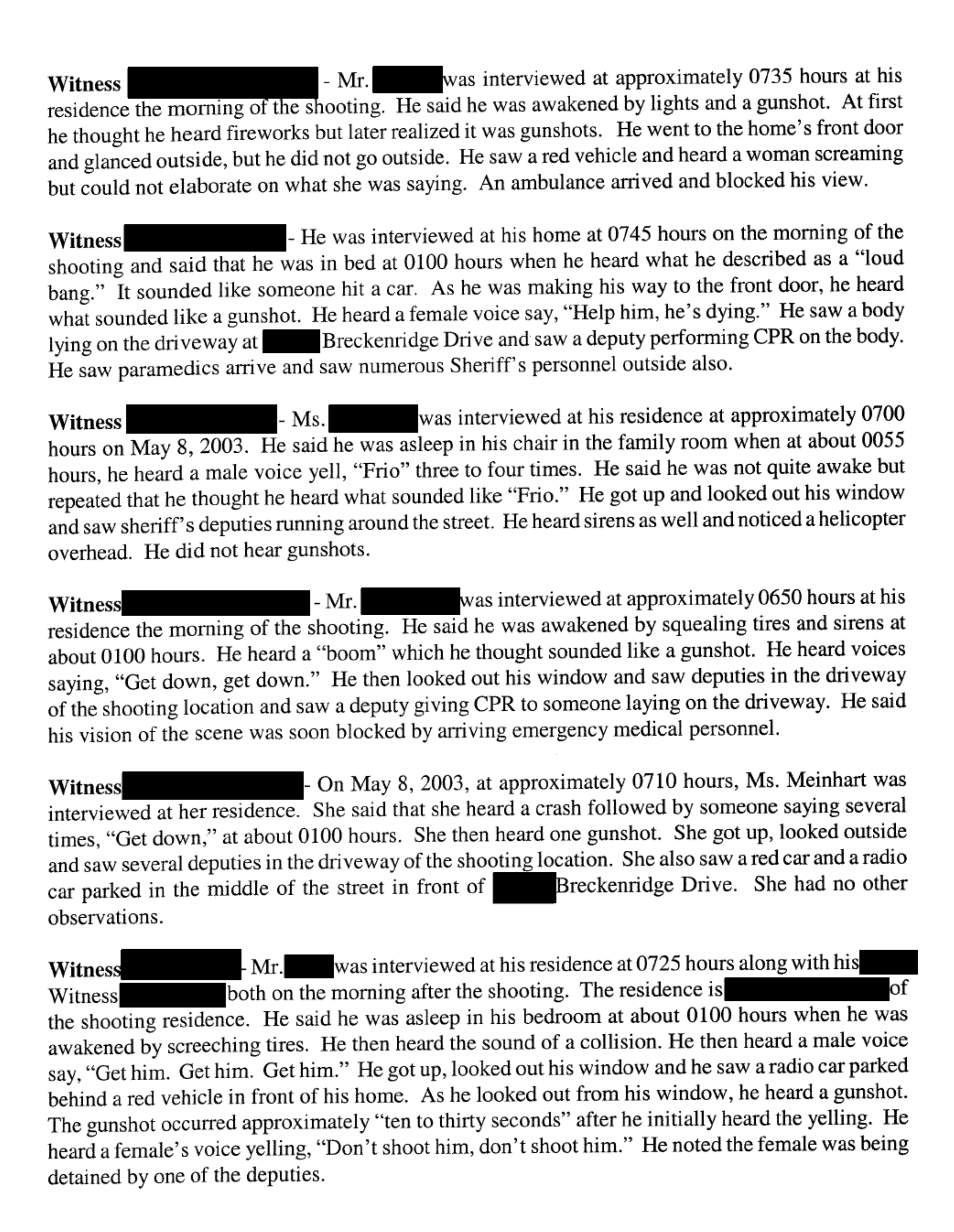
Witness [redacted] - Ms. [redacted] was interviewed on May 8, 2003, at about 0650 hours at her residence which is [redacted] from the shooting location. She was in her converted garage bedroom when the shooting occurred. The location of the shooting is obscured from view from her bedroom due to a tree and shrubs. She said she was awakened by someone yelling and then by a single gunshot. These sounds also awakened her dogs and they began barking. She got up, looked out her window and saw rotating lights on a police car. She could not construe what words were used during the yelling she mentioned but said it sounded like someone speaking with "authority."

Witness [redacted] - The witness was interviewed at approximately 0708 hours on the morning of the shooting. He identified himself as a [redacted] for the [redacted] He said that at about 0100 hours, he woke up hearing the sounds of speeding cars near his residence. He got out of bed and then heard a male voice, who he said he assumed to be a police officer, yelling, "Stop. Get on the ground." About two seconds later, he heard a gunshot.

Witness [redacted] Mr. [redacted] was interviewed at 0635 hours on May 8, 2003. [redacted] He is currently a teacher. He said that at approximately 0100 hours, he heard noises coming from his driveway which is adjacent to his bedroom. The noises were of someone running or shuffling, like footsteps, and also someone yelling. He heard someone yell, "Stop running," and "stop, stop," and then immediately heard one gunshot. He also later heard a male voice saying, "Tell him to stop moving" and "Tell him don't run or I'll shoot him again." He heard someone saying, "Stay down, stay put." He figured it was a policeman commanding someone what to do.

Witness [redacted] - Ms. [redacted] is the [redacted] Witness [redacted] She was interviewed at their residence [redacted] on the morning of the shooting at approximately 0708 hours. She said she woke up at about 0100 hours when she heard a male voice giving orders but she could not recall what was being ordered. She then heard three gunshots. She stayed inside her home. She also heard what she thought was a female voice yelling and possibly pounding on the windows of a patrol vehicle parked in front of her residence. The female was yelling, "Get me out of here."

Witness [redacted] - The witness was interviewed at his residence at approximately 0725 hours on the morning of the shooting incident. He said that about 0125 hours, he was in bed and was awakened by what he thought sounded like a car crash. He got up and went to the front door and walked out to his driveway. He said he saw a deputy with a female standing near the right passenger door to a red car with a radio car just behind it. The deputy and the female were both looking north, toward [redacted] Breckenridge, and then he heard one gunshot. He then went back inside his home. A few minutes passed and he saw other deputies arrive and run toward the driveway of [redacted] Breckenridge. He saw someone on the ground but wasn't able to see who it was. A paramedic vehicle arrived which blocked his further observing the scene.



Witness [redacted] - Mr. [redacted] was interviewed at approximately 0735 hours at his residence the morning of the shooting. He said he was awakened by lights and a gunshot. At first he thought he heard fireworks but later realized it was gunshots. He went to the home's front door and glanced outside, but he did not go outside. He saw a red vehicle and heard a woman screaming but could not elaborate on what she was saying. An ambulance arrived and blocked his view.

Witness [redacted] - He was interviewed at his home at 0745 hours on the morning of the shooting and said that he was in bed at 0100 hours when he heard what he described as a "loud bang." It sounded like someone hit a car. As he was making his way to the front door, he heard what sounded like a gunshot. He heard a female voice say, "Help him, he's dying." He saw a body lying on the driveway at [redacted] Breckenridge Drive and saw a deputy performing CPR on the body. He saw paramedics arrive and saw numerous Sheriff's personnel outside also.

Witness [redacted] - Ms. [redacted] was interviewed at his residence at approximately 0700 hours on May 8, 2003. He said he was asleep in his chair in the family room when at about 0055 hours, he heard a male voice yell, "Frio" three to four times. He said he was not quite awake but repeated that he thought he heard what sounded like "Frio." He got up and looked out his window and saw sheriff's deputies running around the street. He heard sirens as well and noticed a helicopter overhead. He did not hear gunshots.

Witness [redacted] - Mr. [redacted] was interviewed at approximately 0650 hours at his residence the morning of the shooting. He said he was awakened by squealing tires and sirens at about 0100 hours. He heard a "boom" which he thought sounded like a gunshot. He heard voices saying, "Get down, get down." He then looked out his window and saw deputies in the driveway of the shooting location and saw a deputy giving CPR to someone laying on the driveway. He said his vision of the scene was soon blocked by arriving emergency medical personnel.

Witness [redacted] - On May 8, 2003, at approximately 0710 hours, Ms. Meinhart was interviewed at her residence. She said that she heard a crash followed by someone saying several times, "Get down," at about 0100 hours. She then heard one gunshot. She got up, looked outside and saw several deputies in the driveway of the shooting location. She also saw a red car and a radio car parked in the middle of the street in front of [redacted] Breckenridge Drive. She had no other observations.

Witness [redacted] - Mr. [redacted] was interviewed at his residence at 0725 hours along with his [redacted] Witness [redacted] both on the morning after the shooting. The residence is [redacted] of the shooting residence. He said he was asleep in his bedroom at about 0100 hours when he was awakened by screeching tires. He then heard the sound of a collision. He then heard a male voice say, "Get him. Get him. Get him." He got up, looked out his window and he saw a radio car parked behind a red vehicle in front of his home. As he looked out from his window, he heard a gunshot. The gunshot occurred approximately "ten to thirty seconds" after he initially heard the yelling. He heard a female's voice yelling, "Don't shoot him, don't shoot him." He noted the female was being detained by one of the deputies.

Witness [redacted] - Mrs. [redacted] was interviewed at approximately 0725 hours on May 8, 2003, at her residence, immediately following her [redacted] interview. She said she too heard the sound of screeching tires and was awakened by it. She thought she heard a collision out in front of her home. She got up, opened her front door and saw a deputy walking with a female and putting her into the rear seat of a radio car which was parked behind a red car which appeared to have collided with the curb. She heard one deputy say to another, "He was going for my gun," or "He went for my gun." She heard two gunshots while she was walking from her bedroom to her front door. She did not hear deputies issuing commands to stop running.

Witness Lisa Sarumiam - The witness was interviewed the morning of May 8, 2003, while in custody at Norwalk Station for outstanding felony warrants for dangerous drugs and burglary from Orange County. She identified Suspect Dingman as her [redacted] She acknowledged that deputies tried to stop them while they were in their vehicle and they had their red lights and siren on. She said Suspect Dingman was on parole, had not reported to his parole officer and didn't want to return to jail. She said that her [redacted] told her prior to their stopping, that he was going to run when they stopped. She said that when the one deputy (Bishop) ran after her [redacted] the deputy detaining her (Parsons), watched his partner running after the suspect. She said she was distracted from the shooting as the deputy was handcuffing her. She said it was dark and she could not see well, but at one point she believed her [redacted] ran toward the deputy in the driveway. She admitted she was on methadone the date of the shooting.

SUSPECT'S STATEMENTS

None -

MISCELLANEOUS

A review of the autopsy report indicates that there were "needle track type scars" on Suspect Dingman's arms and also "punctuate excoriations on the left posterior neck and on the right auricle which appear recent."



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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December 17, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 03-0379
L.A.S.D. File No. 003-08105-0495-013

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 8, 2003, fatal shooting of Robert Dingman by Los County Sheriff's Deputy Brian Bishop. There is insufficient evidence that Deputy Bishop committed criminal misconduct. Moreover, there is substantial evidence that the deputy acted lawfully in self-defense.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detectives Jose Romero and George Martinez on July 10, 2003, as well as an examination of photographs relating to the matter. Additionally, the District Attorney Command Center was notified of the shooting at approximately 1:42 a.m. on May 8, 2003. The District Attorney Response Team, comprised of Head Deputy District Attorney Richard Doyle, Deputy District Attorney Edward Miller and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On May 8, 2003 at approximately 1:00 a.m., Deputies Brian Bishop and William Parsons were on patrol in a marked black and white patrol car. They drove by a residence on Busby Drive in the City of Whittier known to Deputy Bishop for substantial gang and drug activity and where Bishop had recently arrested an individual with a large quantity

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://www.co.la.ca.us/da

of heroin. Bishop stated that a heroin dealer resided there and that this individual had ties to the Mexican Mafia. Bishop drove by every night to check on activity at the location. That evening, Bishop saw a red Chevy Beretta which he did not recognize parked in front of the residence. He checked the license plate and learned that the registered owner, Lisa Sarumian, had two felony warrants for her arrest.

The deputies parked nearby in a parking lot at Leffingwell Road and Meyer Road, anticipating that the car would have to travel by their location to return to its registered address in La Habra. They waited approximately fifteen to twenty minutes, then were assigned a family disturbance call. After handling this call, the deputies drove back to Busby Drive and saw that the Beretta was still parked in front of the location. They resumed surveillance at their previous site and the Beretta eventually drove by. Robert Dingman was driving and Lisa Sarumian was in the front passenger seat. The deputies followed eastbound on Leffingwell Road and caught up with the Beretta at Loma Drive. As Dingman continued to drive on, Bishop activated his rotating lights and siren in an attempt to make a traffic stop. Bishop also shone his spotlight into the Beretta's rear view mirror. Dingman hesitated as if he wanted to pull over, but did not. Dingman straddled lanes for a short distance until he reached Valley View, where he crossed to the number two lane. Suddenly, Dingman turned left at a high rate of speed. The deputies followed Dingman down Valley View then west on Syracuse Drive. Dingman then turned left on Starlight Avenue, entering an area consisting of narrow residential streets. He drove at approximately 45 to 60 miles per hour. As Dingman turned right from Sunnybrook Lane on to Viburnum Drive, he hit a drainage dip at high speed and blew his left tire, then collided with the northwest curb of the intersection, but kept going.

The vehicle pursuit ended when Dingman hit a curb as he turned right at high speed from Viburnum Drive on to Breckenridge Drive. The car stopped momentarily, then rolled forward and stopped again. The deputies stopped behind the Beretta and exited their car. Dingman got out of his car and started running southbound on Breckenridge Drive. Sarumian also got out of the car and attempted to run away. Deputy Parsons detained Sarumian. Deputy Bishop pursued Dingman on foot.

Because Dingman was wearing a hood, Deputy Bishop mistakenly believed that he was pursuing an individual referred to herein as "Gary," the brother of the heroin dealer who resides on Busby. Bishop is familiar with "Gary" from previous contacts and stated he has an extensive violent criminal background. As Bishop ran across front lawns after Dingman, he yelled, "Gary, get down!"

At [redacted] Breckenridge Drive, Dingman turned left as if he intended to run towards the back of the residence. Dingman jumped on to the trunk of a car parked in the driveway, possibly to vault a fence into the backyard of the residence. Dingman slipped and fell backwards when he stepped on to the rear window. He subsequently rolled off the trunk and landed with his feet on the ground facing the car as Bishop came up behind him.

Bishop was holding his gun in his right hand at about arms-length from Dingman. Bishop reached out to Dingman with his left hand. Bishop stated that at this point,

Dingman turned to his right and moved one of his hands towards his (Bishop's) gun. Bishop either fired once and stepped back, or stepped back before firing one shot.

Bishop stated that he fired because he believed Dingman was going to grab his gun. Bishop did not know which hand Dingman reached back with. Though Dingman's hand did not touch his gun, his jacket did. Bishop could not say exactly how far Dingman turned around when he shot him because Dingman was wearing a large loose-fitting jacket. He described Dingman's body as twisting inside his jacket. Bishop believed that in turning, Dingman also re-positioned his feet and was not just turning his upper body. Moreover, because of Dingman's large loose-fitting jacket, Bishop said he could not tell if the bullet struck Dingman on the side or the chest.

After firing, Deputy Bishop pushed Dingman away and ordered him several times to get down on the ground and to show his hands. Dingman appeared stunned, but eventually complied. Dingman moved his hand under his torso, but subsequently complied with several commands by Bishop to keep his hands in view by lifting them over his head. When Dingman started to rise, Bishop pushed him to the ground with his foot.

After the pursuit, Bishop saw that the person he had been chasing was not "Gary." Dingman identified himself and said he was running because he was on parole. Bishop recognized Dingman because he had been to his home on parole searches.

Dingman was transported by ambulance to Whittier Hospital Medical Center. He was pronounced dead at 1:50 a.m. by Dr. Johnson.

Deputy Parsons was in the process of handcuffing Sarumian when Bishop fired and did not see the shooting. Similarly, Sarumian stated she was distracted from viewing the shooting because she was being handcuffed and did not provide any additional information that could materially assist investigators.

Bishop stated that he was concerned when he was pursuing Dingman for a number of reasons. First, Dingman's erratic driving led him to believe that he would do anything to get away. Second, he knew that the location Dingman was visiting had ties to the Mexican Mafia and that this organization had a "contract" on the residents because of a money dispute; for this reason, individuals at this residence had been arming themselves for protection. Bishop believed that if he did not watch Dingman carefully, he was going to be shot. Bishop felt that Dingman was going to take his gun and use it against him.

An autopsy found that Dingman sustained a single gunshot wound. The bullet entered the left side of his upper middle-back near his left armpit. The trajectory path for this wound was front to back at a slightly upward angle and left to right at a forty-five degree angle. The wound path terminated beneath the skin of Dingman's left pectoral region about one-half inch from his body's midline. Investigators present at the autopsy noted scar tissue and recent evidence of narcotics injections along the blood vessels on both of Dingman's arms. A toxicology report revealed the presence of methamphetamine and morphine in Dingman's blood.

Investigators found a spoon and hypodermic syringe containing an unknown substance in Dingman's jacket. Two balloons, a common form of narcotics packaging, were recovered from Dingman's pants pocket. Two hypodermic syringes containing a brown colored residue resembling heroin were found on the right rear floorboard of the Beretta.

Dingman was a parolee at large with an outstanding arrest warrant. [redacted]

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. _People v. Williams_ *(1977) 75 Cal.App. 3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions—Criminal 5.30, 5.32.*

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. _Graham v. Conner,_ *(1989) 490 U.S. 386, 396-397.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. _People v. Collins_ *(1961) 189 Cal. App. 2d 575.*

In this case, it appears that Deputy Bishop was justified in his use of deadly force. Initially, Bishop and his partner simply tried to detain Dingman to determine if his passenger was the subject of two outstanding warrants. Dingman instead chose to lead the deputies on a dangerous vehicle chase through a residential area. Rather than submit to arrest after Bishop caught up with him, he suddenly turned and moved his hand towards Bishop's gun.

A question is raised by the physical evidence that can be construed as inconsistent with Deputy Bishop's version of events: If Dingman turned to his right as he moved his hand towards Bishop's gun, why did the bullet hit Dingman in the back? This question may not ever be completely resolvable. Such ostensibly inconsistent physical evidence is not uncommon, however, in rapidly developing situations such as the one which Bishop found himself in.

Bishop could not say how far Dingman turned to his right when he moved his hand towards his gun. It is quite evident, however, that an individual can move his hand towards a person standing behind him, merely by turning his torso 90 degrees to the right without even changing the position of his feet. During the time it took for Bishop to perceive the threat of Dingman's hand moving towards his gun and to react by firing a shot, Dingman quite easily could have turned his torso back so that he was facing away from Bishop when he was struck by the bullet. This would be true even assuming that Dingman turned completely around to face Bishop.

That such an explanation is reasonable is supported by the research of Bill Lewinsky, Ph.D. Dr. Lewinski is an authority in the field of officer-involved shootings. He is a professor in the Law Enforcement Studies Department of Minnesota State University at Mankato and holds a doctorate in Police Psychology. Dr. Lewinski has conducted several comprehensive studies involving the dynamics of suspect movement in officer-involved shootings. The results and analysis of one such study were published, in the November/December 2000 issue of *The Police Marksman*, under the title of "Why Is The Suspect Shot In The Back?"

In that study, Dr. Lewinski used slow motion digital photography, in conjunction with a digital timer accurate to 1/1000th of a second, to time the speeds at which twenty-five students were able to perform movements involved in eleven different shooting scenarios. Though none of the scenarios studied by Lewinsky was exactly like the instant case (all of the suspects in Lewinski's study were armed with handguns), the results showing how rapidly a suspect can make various movements in an encounter with an officer are relevant to an assessment of whether this incident could have occurred as Bishop says. In one "movement" which Lewinski called "180 degree turn/weapon discharge/square back", the subjects started from a position where they were facing a camera and holding a gun in a concealed position by their thigh. Each subject pointed the gun at the camera and pulled the trigger, then turned 180 degrees to the point where their back was square to the camera as if attempting to flee. Dr. Lewinski reported that the average time it took the subjects to complete this action was 89/100ths of a second, with the fastest time recorded at 50/100ths of a second.

Lewinski's study demonstrates how a suspect can go from a position where he poses a direct threat to the life of an officer to one where he does not--in literally a "split second." In his study, Dr. Lewinski found that, "By studying the 'dynamic' rotation while the subjects were doing a 90, 180 or 360 degree turn, not only can we see that the subjects would be shot in the back if they were actually in a street encounter, and the officer was to really "react," also, the subjects would be shot at quite a distance from

where the officer said they were when the officer made the decision to fire. This study makes it very clear that regardless of the best intentions of the officer, given what the suspect is doing, and how quickly he can do it, the suspect will be shot in the back in some situations." Thus, even a "split-second" lag-time between Deputy Bishop's perception of Dingman's hand moving towards his gun and Bishop's reaction in pulling the trigger could explain why the bullet hit Dingman in his back.

Other evidence gives credibility to Deputy Bishop's account. It does not in anyway appear that Bishop was motivated to concoct a story to justify shooting Dingman in the back. In fact, when he was interviewed by investigators, Bishop was apparently not even aware that he had hit Dingman in the back. Rather, he stated that he did not know if he hit Dingman in the *chest or side*. Nor does it appear that Bishop exaggerated in his description of Dingman's actions, as might be expected from an individual who was conscious of wrongfully shooting someone in the back. For example, he does not claim that Dingman actually grabbed his gun or otherwise made substantial physical contact with him, but only that Dingman's hand moved towards his gun.

The conclusion of this office is that there is insufficient evidence that Deputy Bishop committed a crime, and considerable evidence that he acted reasonably and lawfully in self-defense when he used deadly force against Robert Dingman. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Edward A. Miller

EDWARD A. MILLER
Deputy District Attorney
(213) 974-5090

c: Deputy Brian Bishop #[redacted]